



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,327	10/03/2002	Scott C. Harris	DIYCIP/SCH	9318
23844	7590	10/01/2009		
SCOTT C HARRIS				
P O BOX 927649				
SAN DIEGO, CA 92192				
EXAMINER				
HAVAN, THU THAO				
ART UNIT		PAPER NUMBER		
3695				
NOTIFICATION DATE		DELIVERY MODE		
10/01/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

scott@harrises.com

schuspto@gmail.com

Office Action Summary

Application No.

10/065,327

Applicant(s)

HARRIS, SCOTT C.

Examiner

THU-THAO HAVAN

Art Unit

3695

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 41-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 41-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Response to Arguments

In view of the Appeal Brief filed on December 19, 2006, PROSECUTION IS HEREBY REOPENED. The new non-final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 and 41-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leong et al. (US publication no. 7,167,844).

Re claim 1, Leong teaches a computing device, comprising: a ...housing and processor and display, said display displaying a plurality of different indicators (figs. 3-4), and wherein at least one of said indicators, when selected with a single actuation (col. 108, line 45 to col. 109, line 10), selecting execution of a prestored sequence of actions that interface with a remote internet site (col. 148, lines 35-56) takes some action on the remote internet site, and returns information from the internet web site (col. 217, lines 16-44).

However, Vlahoplus does not explicitly teach handheld. Nevertheless, Leong discloses portable usability (col. 123, lines 4-15). He discloses usability labs, which can be stationery or portable, rely on videotape and screen capture methods to record how users interact with prototype systems. Thus, it would have been obvious to one of ordinary skill in the art to use a portable usability device as a handheld device to record how users interact with prototype systems.

Re claim 2, Leong teaches processor displays said information on said display (fig. 13, element 1312).

Re claims 3 and 45-46, Leong teaches sequence accesses a plurality of different Internet sites, and said information is based on said plurality of Internet sites (figs. 34-35).

Re claim 4, Leong teaches at least one of said indicators includes an area for entry of variable information, and wherein said variable information is sent to said Internet site (figs. 33).

Re claim 5, Leong teaches remote Internet site includes a bank, and said value includes a balance from said bank (fig. 12).

Re claim 6, Leong teaches value includes a plurality of different actions on said web site that can be carried out (figs. 36-37).

Re claims 7 and 44, Leong teaches action comprises a sequence of actions that are carried out to navigate through a sequence of actions on said web site and return a specified value (fig. 76).

Re claim 8, Leong teaches plurality of different actions include at least one action that can be selected to carry out said action on said web site (figs. 74-76).

Re claim 9, Leong teaches web site is a web site that enables bids to be placed on items, and said entry of variable information is an area where a bid amount can be input (col. 19, lines 20-40; fig. 72).

Re claim 10, Leong teaches action comprises taking a first action on a first web site, to obtain a first value, and taking a second action on a second web site using said first value to access said second web site (figs. 6-7).

Re claim 11, Leong teaches first action comprises obtaining a first bill amount from said first web site which represents a web site holding bills, and said second action comprises paying the bill amount obtained from the first web site using said second web site, which is a bank's web site (figs. 10-12).

Re claims 12 and 50, Leong teaches action with the remote web site comprises validating a secured transaction (figs. 38-39).

Re claims 13 and 42-43, Leong teaches an indicator with a first state indicating that said validating has occurred within a first specified time and a second state indicating that said validating has not occurred within a specified time (fig. 39).

Re claims 14 and 49, Leong teaches a biometric reader, associated with said validating (figs. 38-39).

Re claims 15 and 47, Leong teaches a memory storing a secret encryption key, and wherein said validating comprises using said secret encryption key (fig. 39).

Re claims 16 and 48, Leong teaches a memory storing a secret encryption key, and wherein said validating comprises using said secret encryption key, and wherein said action comprises sending a message to the remote Internet site, validating said secret encryption key at said remote Internet site, and returning an indication of a valid secret encryption key to take said first state (fig. 39).

Re claims 17 and 51, Leong teaches a handheld housing and wherein said processor and display are housed by said handheld housing (col. 123, lines 4-15).

Re claims 18 and 52, Leong teaches processor and display are battery driven (col. 123, lines 4-15).

Re claim 41, Leong teaches a computer as claimed in claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday from 6am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-0315.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Thu Thao Havan/

Primary Examiner, Art Unit 3695